

Notice of Allowability

Application No.

09/653,241

Examiner

Arrienne M. Lezak

Applicant(s)

SLAUGHTER ET AL.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ The drawings filed on 31 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4.21.05
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DAVID WILEY
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TECHNOLOGY CENTER 2100

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Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

After an extensive conversation on 21 April 2005, with Robert Kowert, Attorney for Applicants, Examiner finds arguments in the Appeal Brief to be persuasive, rendering Applicant's claims, as written, and as applied to object repositories, (i.e.: Tuplespaces), to be allowable.

More specifically, Examiner finds Applicant's arguments distinguish the claims over the prior art. Applicant argues that the inventive aspect of the invention is "directed to securely spawning a new network-addressable space service from an existing network addressable space service using schema defined messaging in a distributed computing environment", (Appeal Brief, p.7).

To emphasize this point, Applicant enumerates the following arguments:

- Ford ('947) fails to teach that information usable to access a first space is provided in an advertisement for the first space, wherein the advertisement for the first space comprises a first schema, and wherein the first schema specifies one or more messages usable to invoke functions of the first space. Specifically, Applicant notes, that rather than using a schema from an advertisement for a space, Ford teaches that clients use a building communications library that includes functions for communicating with a T-Space server, eliminating the need for a schema, (Appeal Brief, pp.8-9);

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- Ford ('947) fails to teach advertisements. Specifically, Applicant notes that just because advertisements may be stored in a data repository does not imply that any data stored in a repository constitutes an advertisement in the context of the claim language, (Appeal Brief, pp. 9-10);
- Ford ('947) fails to teach a client requesting creation of a second space by sending to the first space one of the messages specified by the first schema. Specifically, Applicant notes that Ford describes invoking methods of a Tuplespace class linked into a T Spaces client, which teaching does not enumerate a T-Spaces client, class or communication library sending to a space, a message specified in a schema to request creation of a new space, (Appeal Brief, pp. 10-11);
- Ford ('947) does not teach that information usable to access the second space is provided in an advertisement for the second space, wherein the advertisement for the second space comprises a second schema, and wherein the second schema specifies one or more messages usable to invoke functions of the second space. Specifically, Applicant notes that Ford describes the addition of a new functionality in T-Spaces, without specifically enumerating anything regarding accessing the new functionality after it has been created, (Appeal Brief, pp.11-12).

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After noting Applicant's arguments in the Appeal Brief, Examiner met with several primary examiners, (Bunjob Jaroenchonwanit, Marc Thompson and Larry Donaghue), which primaries agreed that the claims, as written, were specific enough to be allowed when applied to object repositories. Following the meeting, Examiner telephoned Robert Kowert, Attorney for Applicant, to further discuss the inventive aspects of Applicant's invention. In the course of the conversation, Examiner noted two additional pieces of prior art discovered after additional extensive searching, (US Patent US 6,560,633 B1 to Roberts and US Patent US 6,615,235 B1 to Copeland), which prior art Attorney Kowert was able to distinguish from Applicant's invention, noting that the XML used within Roberts is only used to describe data and not as a messaging interface, and that Copeland focused on the caching of web pages, not creating a message defined by a message schema, as noted within Applicant's claims. Thus, upon completion of the conversation with Attorney Kowert, Examiner found the combination of arguments to be persuasive rendering Applicant's invention patentable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



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